

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,
Plaintiff,
vs.
RANDY BERRY aka
RANDY L. BERRY,
Defendant.

3:09-cv-00094-LRH(RAM)

DEFAULT JUDGMENT

This cause came before the Court upon the application of The United States for judgment by default against the defendant, Randy Berry aka Randy L. Berry. The United States appearing by and through Carlos A. Gonzalez, Assistant United States Attorney for the District of Nevada. Defendant failed to appear. The Court being fully advised in the premises, FINDS THAT:

(A) This Court has jurisdiction over the parties and the subject matter of this action;

(B) Defendant, Randy Berry aka Randy L. Berry, was duly served a copy of the Summons and Complaint in the action within the District of Nevada on July 16, 2009, pursuant to Rule 4(c) or 4(d) of the Federal Rules of Civil Procedure. A copy of the United States Marshal Service Form 285 and Return is on file;

1 (C) Defendant has failed to appear, plead, or otherwise defend herein within the
2 time allowed;

3 (D) No stipulation or order has been filed extending the time for the defendant
4 to plead or otherwise defend;

5 (E) Defendant is now in default and a clerk's Entry of Default is now on file;

6 (F) Defendant is not an infant or incompetent person and not in the military
7 service with the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended;

8 (G) Defendant is indebted to the United States by reason of the default in
9 repaying the student loan(s);

10 (H) Subsequently, said Note was assigned to the United States of America. The
11 United States is now the owner and holder of said Note. Defendant has failed to pay said
12 Note according to the terms thereof;

13 (I) There is due and owing to the United States from Defendant the sum of
14 \$2,660.44 principal and \$3,978.70 interest as of July 2, 2007. Interest shall accrue at the
15 legal rate pursuant to 28 U.S.C. §1961(a) and be computed daily and compounded
16 annually until paid in full, and United States District Court docket fees in the amount of
17 \$350.00 as provided by 28 U.S.C. §§1914(a) and 1923(a), plus costs of suit as
18 subsequently taxed;

19 (J) The allegations of the Complaint are sustained by the evidence and are
20 hereby adopted as findings of fact. The Court concludes as a matter of law that the United
21 States is entitled to the relief demanded in the Complaint.

22 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that The United
23 States of America should have, and it is hereby granted, judgment against the Defendant
24 in the amount of \$6,639.14, plus interest at the rate of 8.00 percent per annum from July
25 2, 2007, until date of judgment. All loans will accrue interest at the legal rate of .29
26 from date of judgment compounded annually until the judgment and interest are paid in full

1 pursuant to the provision of 28 U.S.C. §1961(a), and United States Court Docket Fees in
2 the amount of \$350.00, plus costs of this action.

3 DATED this 17th day of November, 2010.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written above the printed name of the judge.

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6 LARRY R. HICKS
7 UNITED STATES DISTRICT JUDGE
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